

CENTRAL UNIVERSITY OF HARYANA

Term End Examinations May /June 2018

Programme: LL.M.

Session: 2017-18

Semester: II

Max. Time: 3 Hours

Course Title: CONSTITUTIONAL LAW (COMPARATIVE) Max. Marks: 70

Course Code: SLM LAW 01 202 C 4105

Instructions:

1. Question no. 1 has seven sub parts and students need to answer any four. Each sub part carries three and half Marks.

2. Question no. 2 to 5 have three sub parts and students need to answer any two sub parts of each question. Each sub part carries seven marks.

Question No. 1. Comment on any four of the Followings: (4x3.5=14)

- a) Power to punish for Contempt of Privileges.
- b) "If a Judge of the Supreme Court could be removed by the Executive without much formality, then it can be imagined that the Court would lose its independence and become subject to the control of the Executive". Comment.
- c) River Water Disputes.
- d) Rule of Pith and Substance.
- e) Effect of failure of Natural Justice.
- f) Doctrine of Eminent Domain.
- g) Electoral reforms in India.
- h) Basic structure Theory.

Question No. 2. (2x7=14)

- a) Discuss the "Freedom of Speech" guaranteed under the Constitution of India to ensure the Parliamentary Democracy.
- b) Comment upon the NJAC and Collegium System. As a student of Law critically comment on the statutory provisions to ensure the Judicial Independence.
- c) "Parliamentary privileges place judiciary and legislature at the loggerhead". Elucidate with help of Case law.

Question No. 3. (2x7=14)

- a) Write a note of Cooperative federalism.
- b) "Planning Commission has been replaced by a new institution. The government has come out with the broad contours of the new institution, National Institution for Transforming India (NITI). The remit and functioning of NITI Aayog will become clearer as it evolves over time". Discuss the Role and functions of NITI Aayog.
- c) "If a statute is found to be invalid on the ground of legislative competence, it does not permanently inhibit the legislature from re-enacting the same if the power to do so is properly traced and established". In the light of the above statement comment on reaction of the court in determining the validity of law.

Question No. 4.

(2x7=14)

- a) Discuss the grounds of challenging Forty-second Amendment before the Supreme Court by the owner of *Minerva Mills* and impact on *Golaknath v. State of Punjab* verdict.
- b) "Levy of entry tax is usually imposed by many state governments on the movement of goods from one state to another". Does 'Restriction' on Trade and Commerce amount to 'Prohibition'? Discuss the reasonable restriction in light of *Jindal Stainless Steel Ltd v. State of Haryana*.
- c) Classify and discuss the Constitutional safeguards available to the Civil Servants in evolving democracy.

Question No. 5.

(2X7=14)

- a) "Election Commission issued an order limiting the hours for using loudspeakers for electioneering purpose between 8 A.M. to 7 P.M". In light of the above given order discuss the power and functions of Election Commission.
- b) "Invocation of Article 356 could be inquired into by the courts". Critically examine the Constitutional provisions and role Judiciary in light of given statement and happening in State of Arunachal Pradesh.
- c) Write an essay on Article 370 of the constitution of India.

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- River Water Disputes.
- Rule of Pith and Substance.
- Effect of failure of Natural Justice.
- Doctrine of Eminent Domain.
- Electoral reforms in India.
- Basic structure Theory.

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CENTRAL UNIVERSITY OF HARYANA

Term-End Examinations, May, 2018

Programme: LL.M.

Session: 2017-18

Semester: Second

Max. Time: 3 Hours

Course Title: Judicial Process

Max. Marks: 70

Course Code: SLM LAW 01 201 C 4105

Instructions:

1. Question no. 1 has seven sub parts and students need to answer any four. Each sub part carries three and half Marks.
2. Question no. 2 to 5 have three sub parts and students need to answer any two sub parts of each question. Each sub part carries seven marks.

Question No. 1.

(4X3.5=14)

- a) Discuss doctrine of '*Stare Decisis.*'
- b) Right to Privacy in India.
- c) How a Judge of the Supreme Court can be removed from the office? Discuss the Procedure under the Constitution of India.
- d) Comment on procedure to amend the Constitution of India.
- e) Discuss the constitutionality of IXth Schedule of Constitution of India.
- f) Judicial creativity.
- g) Between Fundamental Rights and Directive Principles of State Policy, which are comparatively more superior under Constitutional philosophy in India?

Question No. 2.

(2X7=14)

- a) Discuss the nature and scope of judicial process? On what factors does it depend? Is the idea of Cardozo delivered in the first half of last century still relevant? Give illustrations to support your answer?
- b) Critically analyze the tools and techniques of Judicial Review in India in the light of Constitutional Provisions in India.
- c) How far Judicial Process is an instrument of social ordering India. Elucidate.

Question No. 3.

(2X7=14)

- a) Conscious disregard of constitutional provisions by Executive and Legislature in India has compelled the Judiciary to expand its wings. Examine the statement in the light of 'separation of powers'.
- b) 'Judicial Activism' should never lead to 'Judicial Anarchism'. What are the limitations of reasonable Judicial Activism in India? Elucidate.
- c) "It is difficult to see how the power of Judicial Review makes the Judiciary supreme in any sense of the word. This power is of paramount importance in a federal constitution". Critically examine the statement by highlighting the importance of Judicial Review for flourishing the Constitutionalism.

Question No. 4.

(2X7=14)

- a) Write an essay on provisions of law and practice safeguarding independence of Judiciary in India.
- b) "Judges do and must make law but not in the manner of legislatures." Critically examine the statement by citing few instances wherein Supreme Court of India made laws.
- c) 'Justice Delayed is Justice denied'. In view of mounting backlog of cases pending in courts throughout India, discuss the statement with scope and limitations of Institutional liability of Courts in India.

Question No. 5.

(2X7=14)

- a) Write an essay on the evolution of 'Basic Structure Theory' in India.
- b) Critically examine the Constitutional validity of 24th, 25th, 39th & 42nd Constitution Amendments of Constitution of India by discussing relevant case law on the issue.
- c) 'The spirit of constitutionalism consists in respect for the rights of individuals, limiting the powers of the organs of the State and concerns for the rights of the minorities and not merely in the rule by the majority. Discuss.

CENTRAL UNIVERSITY OF HARYANA

Term End Examinations May /June 2018

Programme: LLM

Session: 2017-18

Semester: II

Max. Time: 3 Hours

Course Title: Family Law

Max. Marks: 70

Course Code: SLM LAW 01 201 E 4105

Instructions:

1. Question no. 1 has seven sub parts and students need to answer any four. Each sub part carries three and half Marks.
2. Question no. 2 to 5 have three sub parts and students need to answer any two sub parts of each question. Each sub part carries seven marks.

Question No. 1.

(4X3.5=14)

- a) Dower
- b) Special Marriage
- c) Theory of Relation Back
- d) Parsi Marriage
- e) Christian Marriage
- f) Shias and Sunnis
- g) Sapinda Relationship

Question No. 2.

(2X7=14)

- a) "Uniform Civil Code is not possible under the present Socio-legal scenario"
Comment. Refer to case laws.
- b) Discuss the various sources of Hindu Law. What is their relevance in modern times?
- c) Examine the importance of Holy Quran in Muslim Law.

Question No. 3.

(2X7=14)

- a) "Hindu Marriage is a *Sanskar*" Comment. Refer to case law.
- b) What do you mean by '*Talaq-e-biddat*'. Is it valid? Explain with the help of latest case law.
- c) Write short notes on the following:
 - (i) NRI Marriages
 - (ii) *Nikah*

Question No. 4.

(2X7=14)

- a) Discuss the concept of 'Iddat' under Muslim Law.
- b) What do you mean by Adoption? Explain in brief, the essential requisites of a valid adoption under Hindu Law.
- c) Examine in brief, the various conditions of a valid "Acknowledgement" under Muslim. Differentiate between "Adoption" and "Acknowledgement".

Question No. 5.

(2X7=14)

- a) Examine in brief, the law of Intestate Succession of Hindu Male.
- b) Discuss the rules of succession under Muslim Law. What is the position of Muslim Female in respect of Succession of property?
- c) Write short notes on the following:
 - (i) Cognates
 - (ii) Agnates

CENTRAL UNIVERSITY OF HARYANA

Term End Examinations, May/June 2018

Program: LL.M
Semester: 2nd
Course Title: Law and Social Transformation
Course Code: SLM LAW 01 203 C 4105

Session: 2017-18
Max. Time: 3 Hours
Max. Marks: 70

Instructions:

1. Question no. 1 has seven sub parts and students need to answer any four. Each sub part carries three and half Marks.
2. Question no. 2 to 5 have three sub parts and students need to answer any two sub parts of each question. Each sub part carries seven marks.

Question No. 1.

(4X3.5=14)

- a) Discuss the role of Language as a uniting factor in the light of Constitutional guarantee.
- b) Discuss Sections 304B, 354(A,B,C,D) of Indian Penal Code.
- c) Discuss in brief Victim Compensation Scheme under Cr. P.C
- d) Discuss Secularism in India.
- e) Discuss in short salient features of POCSO Act.
- f) Prison Reforms in India.
- g) Concept of Surrogacy.

Question No. 2.

(2X7=14)

- a) "Law is an instrument of social change," Critically analyse.
- b) "Law is product of traditions and culture." Discuss.
- c) Discuss the role of public opinion in making, amending & repealing the laws in India.

Question No. 3.

(2X7=14)

- a) Discuss in detail the need and relevance of Protective Discrimination in realizing the constitutional goal of social justice.
- b) Discuss the role of Law as a synthesising factor in community development through non - discrimination along with relevant provisions for securing this relationship.
- c) "Regionalism can be used as a potent toll of social transformation in India". Comment.

Question No. 4.

(2X7=14)

- a) Discuss in detail the various provisions for curbing Crime against Women, with special reference to Criminal Amendment Act, 2013. Also cite various landmark judgments of Supreme Court depicting it's pro- active approach in matters related to women safety.
- b) Critically evaluate the concept of Education for Children under Article 21A of constitution, and other provisions. Also discuss how far it is able to increase education in India.
- c) Critically evaluate various provisions under various laws for stopping Child Abuse and harassment along with recent changes in POCSO Act. Provide relevant suggestions to bridge the gap between law and its implementation.

Question No. 5.

(2X7=14)

- a) Critically analyse the Jurisprudence of "Sarvodya" as initiated by Mahatama Gandhi and as carried by Vinoba Bhave, Also discuss it's relevance in present context.
- b) Discuss the concept of Plea Bargaining and its implementation process under Cr.P.C. Can the concept of Plea Bargaining be used in cases of crime against women & in socio-economic offences?
- c) Critically analyse how far the concept of Gram Nyayalaya can be used as a successful mechanizing of Alternate Dispute Resolution (ADR) in India.

CENTRAL UNIVERSITY OF HARYANA
Term End Examinations, May 2018

Programme : LL.M	Session: Jan-May 2018
Semester : IV	Max. Time: 3 Hours
Course Title : International Environmental Law and Sustainable Development	
Course Code : SLM LAW 01 403 E 4105	Max. Marks: 70

Note:

There are **total five questions** in this question paper and all are **compulsory**. Each Question carries **Fourteen Marks**.

Question no.1 has **seven sub parts** and students need to answer four. Each sub part carries **three and half Marks**

Question number **Two to Five** have three sub parts and students need to answer **any two sub parts** of each question. Each sub part carries **seven marks**.

Question No.1.

(4X3.5=14)

- a) Greenhouse Effect
- b) Objective of the UNFCCC
- c) Emission Reduction Units
- d) Intended Nationally Determined Contributions (INDC)
- e) Intergenerational Equity
- f) Human Environment
- g) The Limit to Growth

Question No.2

(2X7=14)

- a) What is International Environmental Law? Why do we need this branch of International Law?
- b) Write a critical note on Globalization and its impact upon the causes and responses to the environmental problems in the world.
- c) What do you mean by Anthropocentrism and Ecocentrism? How do these approaches affect our formulation of environmental policies? Explain by giving illustrations.

Question No.3

(2X7=14)

- a) What is the principle of Common But Differentiated Responsibilities? Elaborate by giving reference to various adaptation and mitigation obligations for the developed and developing countries under International Environmental Law.
- b) What is Public Trust Doctrine? How does it restrict a State's sovereignty over the distribution and exploitation of the natural resources in the society?
- c) What are the essential elements of Environment Impact Assessment?

Question No.4

(2X7=14)

- a) What is Sustainable Development? Critically examine the model of Sustainable Development suggested by the International Environmental Conventions and Agreements.
- b) What are the institutions/bodies of International Environmental Governance? What are the shortcomings of the existing system of International Environmental Governance?

c) Write a note on various platforms/forums for resolutions of environmental disputes.

Question No.5

(2x7=14)

a) What is carbon trading? How does it work? Critically examine.

b) China has recently launched "Operation Green Fence" and prohibited the import of "foreign garbage". Chinese ports are turning away unwashed post-consumer plastics and other contaminated waste shipments". Discuss the legality of the China's foreign waste ban in the light of the Basel Convention of 1989 and the WTO regime.

c) What do you mean by Bio-diversity? Why is it essential for Sustainable Development? What are the safeguards adopted by India to preserve and protect Biodiversity?

CENTRAL UNIVERSITY OF HARYANA

Term End Examinations, May 2018

Programme : LLM	Session: 2017- 2018
Semester : IV	Max. Time: 3 Hours
Course Title : International Humanitarian Law and Refugee Law	Max. Marks: 70
Course Code : SLM LAW 01 402 E 4105	

Note:

There are total five questions in this question paper and all are compulsory. Each Question carries Fourteen Marks.

Question no.1 has seven sub parts and students need to answer any four. Each sub part carries three and half marks.

Question number Two to Five have three sub parts and students need to answer any two sub parts of each question. Each sub part carries seven marks.

Question No1. (4X3.5=14)

- Decision on conviction/acquittal in the matter of Prosecution v. Radovan Karadzic, IT-95-5/18-T, 24th March 2016
- Command Responsibility
- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, [2004] ICJ Rep 136
- Unlawful Combatant
- Principle of Indiscriminate Attack
- Law of Geneva and Law of Hague
- Status (category) of Conflict in Maoist insurgency affected tribal areas in India

Question No.2 (2X7=14)

- What is Marten Clause? Write a note on the contribution of Marten clause in the development of the modern International Humanitarian Law.
- What are the sources of International Humanitarian Law (IHL)? Give reference to the cases underlying the relevance of custom as source of IHL.
- International Humanitarian Law (IHL) allows killing and destruction of the property. Some scholars criticize the nomenclature of this branch of international law as oxymoron. Discuss and elaborate.

Question No.3 (2X7=14)

- What do you mean by Non-International Armed Conflict? Compare the provisions of the four Geneva Conventions of 1949 with the Additional Protocol of 1977 which provide for the definition and law applicable to Non-International Armed Conflict.
- What are the limitations of the Principle of Military Necessity? Discuss the law relating to acceptability of the defense of Military Necessity.
- Are the categories of Armed Conflicts as prescribed under the four Geneva Conventions of 1949 and the two Additional protocols, adequate to cover the various conflict situations emerging in the 21st Century?

Question No.4

(2X7=14)

- a) What is the status of the alleged members of Taliban captured by the U.S.A. armed forces in Afghanistan during 2001 to 2005. Are they entitled to the right of fair trial before the regular courts instead of the military courts/commissions?
- b) In the Gulf War (1990-1991) the Iraqi armed forces set fire over 500 oil wells and storage tanks as part of a scorched earth policy while retreating from Kuwait. This caused environmental catastrophe and destruction of civilian property at a very large level. Discuss the liability of the Iraqi armed forces for their deliberate act of setting on fire the oil wells and other properties under the Law of Armed Conflict applicable to the present case.
- c) What is Common Responsibility? Discuss with reference to the Post WW II Nuremburg trials and later jurisprudence of International Criminal Tribunals.

Question No.5

(2x7=14)

- a) What is the Principle of Non-Refoulement? Has it become a Rule of Customary law of Armed Conflict?
- b) Write a critical note on the policy and practice of the Indian Government towards the refugees?
- c) Who is refugee under the Refugee Convention of 1951? What are their rights?

CENTRAL UNIVERSITY OF HARYANA

Term-End Examinations, May/June, 2018

Programme: LL.M.

Session: 2017-18

Semester: 4th

Max. Time: 3 Hours

Course Title: Human Rights: Constitution of India

Max. Marks: 70

Course Code: SLM LAW 01 401 E 4105

Instructions:

1. Question no. 1 has seven sub parts and students need to answer any four. Each sub part carries three and half Marks.
2. Question no. 2 to 5 have three sub parts and students need to answer any two sub parts of each question. Each sub part carries seven marks.

Question No. 1.

(4X3.5=14)

- (i) Why Human Rights are adopted by the Constitution of India?
- (ii) Expanding horizons of Group Rights *vis-à-vis* Human Rights in India.
- (iii) Significance of the International Covenant on Civil and Political Rights, 1966.
- (iv) Discuss Human right to self-determination.
- (v) Whether the Constitution of India is obliged to follow the International Covenants or not?
- (vi) Discuss in brief various provisions for safeguarding Human rights of children in India.
- (vii) Discuss the Constitutional context of affirmative actions for all disadvantaged sections of Indian society.

Question No. 2.

(2X7=14)

- (i) Highlight the origin and growth of Human Rights Jurisprudence in India with the help of landmark cases.
- (ii) Explain the concept of Human rights. Also discuss its importance in modern world specially in developing world. Distinguish between Human rights, Moral rights and Fundamental rights.
- (iii) In the present world of LPG (Liberalization, Privatization & Globalization) the debate between Universalism and Cultural Relativism has sharpened, giving rise in many cases to denial of Human Rights. Discuss with the relative merits and demerits of Universalism and Cultural Relativism.

Question No. 3.

(2X7=14)

- (i) Critically examine Role of Judiciary in the protection of Human Rights in India by citing suitable case laws.
- (ii) How far decision of *Maneka Gandhi v. Union of India* (AIR 1978 SC 597) has contributed in the development of Human Rights Jurisprudence in India?
- (iii) Is there any conflict between Fundamental Rights and Directive principles of State policy provided under the Constitution? Support your answer with the leading decisions of the courts.

Question No. 4.

(2X7=14)

- (i) Discuss the Constitutional Provisions relating to impact of National Emergency on Fundamental Rights in India.
- (ii) Critically analyze the relevance of various extraordinary laws relating to National security that have been promulgated since independence in India. How far these laws affect the Human Rights of Citizens.
- (iii) Briefly explain 'derogable' and 'non-derogable' rights as contained in the ICCPR. What is the status of 'non-derogable' rights during National emergency?

Question No. 5.

(2X7=14)

- (i) Write a note on the problems and prospects of Human Rights Education in India.
- (ii) Discuss the provisions of the Indian Constitution for protection and advancement of Rights of indigenous people in India.
- (iii) How far Constitutional imperative of Social Justice is being affected by the economic reforms which *inter alia* focus upon economic growth only? Also discuss the importance of sustainable development.

CENTRAL UNIVERSITY OF HARYANA

Term End Re-Examination, May-June 2018

Programme : LL.M	Session: Jan-June 2018
Semester : III	Max. Time: 3 Hours
Course Title : International Law of Human Rights	Max. Marks: 70
Course Code : SLM LAW 01 303 E 4105	

Note:

There are **total five questions** in this question paper and all are **compulsory**. Each Question carries **Fourteen Marks**.

Question no.1 has **seven sub parts** and students need to answer all. Each sub part carries **two Marks**.

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Question No1.

(7X2=14)

- Sources of International Law of Human Rights
- Third Generation Human Rights
- Definition of Human Rights Under the Human Rights Act,1993
- Monist Theory of Relation between International Law and National Law
- Human Rights under the Charter of United Nations
- Functions of the Office of the High Commissioner for Human Rights (OHCHR)
- The Right to Self Determination under ICCPR & ICESCR

Question No.2

(2X7=14)

- What do you mean by cultural relativism? Is there a human right to have and enjoy distinct culture? If yes then how this right can be reconciled with the Universalism of international law of human rights?
- What's the future of human rights? Write a note on the possible future of human rights in the light of contemporary challenges of human rights.
- Is the Universal Declaration of Human Rights legally binding? Substantiate and elaborate your opinion with help of case law.

Question No.3

(2X7=14)

- Write a note comparing the powers, functions and role of the UN Commission on Human Rights and the UN Human Rights Council. Do you think the latter one is better in protection of human rights globally than its predecessor?

- b) What are the shortcomings of the treaty-based system for the protection, promotion and enforcement of human rights at international level?
- c) Is International Law of Human Rights applicable before the Courts in India? Discuss with the help of case law.

Question No.4 **(2X7=14)**

- a) What do you mean by 'reservation to a human rights treaty'? Write a note on the effects of reservation on the development of International Law of Human rights.
- b) Do MNCs and TNCs have binding obligations under the international law of human rights?
- c) Discuss the legality of the 1999 NATO military intervention in Serbia in the light of the "responsibility to protect" (R2P) doctrine.

Question No.5 **(2x7=14)**

- a) What are the human rights of the minorities under the International Law of Human Rights?
- b) Write a critical note on the Marxist critique of the idea of rights and the International Law of Human Rights.
- c) The idea of nation state has been a serious obstacle in the development of International Law of Human Rights? Discuss in the light of ongoing conflict in Kashmir (India).